

## **II. Remarks**

Claims 1-17 were pending in this application. Claims 1-7 and 9-17 were rejected and claim 8 was objected to. The present amendment cancels claims 1 and 11-12, adds new claims 18-22 and amends claims 2-10 and 13-17 to more particularly point out and clarify Applicant's invention. No new matter has been added by the present amendment. After this amendment, claims 2-10 and 13-22 will be pending.

Reconsideration of the application in view of the following remarks is respectfully requested.

### **Rejections under 35 U.S.C. § 102**

Claims 1-7 and 9-17 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,792,127 issued to Kortgen ("Kortgen"). By this response, Applicant has canceled claims 1 and 11-12, and amended claim 9 to depend from claim 8 and therefore, the rejection of claims 1, 9 and 11-12 are now moot. Moreover, Applicant has amended claim 10 to be the base claim for claims 2-7 and 12-17. Applicant respectfully submits that the rejection of claims 2-7, 10 and 12-17 are traversed.

Claim 10 has been amended to recite that a lifting arrangement for lifting a rear part of a hood or bonnet of a vehicle comprises a lifting unit. The lifting unit has a plurality of elements including a first element mounted on a support and a second element connected with the rear part of the hood or bonnet. The second element is moveable relative to the first element along a predetermined axis defined by the first element to lift the rear part of the hood

or bonnet. The first element has an abutment face and is mounted with the abutment face engaging a resilient element mounted on the support. The resilient element is configured to be deformed as the second element is moved relative to the first element to lift the rear part of the hood or bonnet, permitting the entire lifting unit to tilt relative to the support for facilitating imparting a virtual pivoting movement to the rear part of the hood or bonnet. Support for this amendment may be found in Applicants application paragraphs [0014] - [0020].

Kortgen discloses a friction damper for an engine bonnet. The friction damper includes a gas spring 140 with a cylinder 141 and a piston rod 142. The interior of the cylinder 141 is filled and sealed with gas under pressure. The compressed gas is for moving the piston rod 142 relative to the cylinder 141. *Kortgen* at col. 4, lines 50-61. At the base of the cylinder 141 is a friction piston 103a that includes a star spring 120, a guide washer 106a and a skirt 113. The cylinder 141 and the friction piston 103a are guided in a sliding telescopic manner within a telescope tube 151. The interior of the telescope tube 151 is lined with a stiffened ribbed structure that frictionally interfaces with the friction piston 103a to retard relative motion between the cylinder 141 and the tube 151. Specifically, the piston rod 142 strokes over a range in relation to the cylinder 141 to compensate for the weight of the engine bonnet. However, if a more extensive opening of the engine bonnet is desired, then the cylinder 141 may move in relation to the telescope tube 151. This latter displacement is dampened by the cooperation of the friction piston construction group 103 with the telescope tube 151, so that the engine bonnet

can not fall back suddenly. This is accomplished by the star spring 120 of the construction group 103a pushing against the skirt 113, which pushing outwardly against the stiffened ribbed structure of the telescope tube 151 creating the frictional engagement between the telescope tube 151 and the cylinder 141. *Id.* at Col. 5, lines 1-38. Notably, Kortgen neither disclose that the stiffened ribbed structure of the telescope tube 151 is a resilient element that is deformed to allow the friction damping unit to tilt relative to the telescope tube 151 when the piston rod 142 moves in relation to the cylinder 141 nor that there is any resilient element which becomes deformed to allow tilting of the friction damping unit.

This is unlike Applicant's invention as recited in claim 10 where the first element is mounted on a support and a second element is moveable relative to the first element along a predetermined axis defined by the first element. The first element has an abutment face and is mounted with the abutment face engaging a resilient element mounted on the support. The resilient element is deformed as the second element moves relative to the first element to lift, permitting the entire lifting unit to tilt relative to the support. In that Kortgen lacks the noted elements of claim 10, the rejection based thereon should be withdrawn. Accordingly, Applicant believes claim 10 and its dependent claims 2-7 and 12-17 are in a condition for allowance.

Claims 18-22 have been added by the present amendment. All these claims are supported in the specification and there is no new matter. Moreover, Applicant believes these claims are patentable for their own specific elements recited therein.

Allowable Subject Matter

Claim 8 was indicated as being allowable if re-written in independent form. Applicant has rewritten claim 8 to include the limitations of the base claim and the corresponding intervening claims and is therefore believed to be in a condition for allowance.

Claim 9 depends from claim 8 and therefore, is believed to be allowable therewith.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted,

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Date

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